

23IN THE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ANTHONY TURNER-McNEILL, Jr.	)	Plaintiff,
	)	
v.	)	Civil Action No.: 1:23-cv-1273
	)	
HAMZE DAHIR NUR, and	)	
And	)	
KARDAN TRUCKING, INC.	)	Defendant.

**ANSWER**

COMES NOW the defendant, Hamze Dahir Nur and Kardan Trucking, Inc., by counsel, and for their Answer to the Plaintiff's Complaint filed herein against them states as follows:

1. The Defendants admit paragraphs 1, 2, 3, 4.
2. The Defendants admit Hamze Dahir Nur was involved in a motor vehicle accident on Interstate 85 with the Plaintiff on or about September 23, 2020 while in the course and scope of his employment with Kardan Trucking, Inc.
3. The Defendants deny the allegations of Paragraph Numbers 5, 6, 7, 8, 9, 10, 11, 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 12, 13, 14, and the first and last unnumbered Paragraphs of Plaintiff's Complaint and calls for strict proof thereof.
4. It is affirmatively alleged that the Plaintiff was not injured to the manner nor to the extent alleged.
5. The Defendants intend to rely on the defenses of contributory negligence and/or assumption of the risk, should the same be found available to them through discovery and/or trial.

6. The Defendants reserve the right to rely on such other defenses that may be found available to them reserving the right to amend alter or otherwise supplement this Answer or other responsive pleading at any time.

7. The Defendants state that they owe Plaintiff no sum whatsoever.

8. Defendants affirmatively alleges that this matter was filed in an improper venue as the subject accident occurred in Dinwiddie County, Virginia. This matter should be transferred to the Eastern District of Virginia, Richmond Division. Defendant moves pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 USC § 1404 to transfer this matter to The United States District Court for the Eastern District of Virginia, Richmond Division and incorporates its Rule 12(b)(3) motion to transfer venue and brief in support of said motion by reference.<sup>1</sup>

WHEREFORE, the Defendants Hamze Dahir Nur and Kardan Trucking, Inc. ask that the above captioned matter be dismissed with prejudice, and they be awarded their costs and expenses incurred herein as well as such other relief as justice may require.

TRIAL BY JURY IS DEMANDED

ANTHONY TURNER-MCNEIL  
HAMZE DAHIR NUR  
AND KARDAN TRUCKING, INC.

By Counsel

\_\_\_\_\_/s/\_\_\_\_\_, p.d.  
Wm. Tyler Shands, Esquire  
VSB No.: 25997  
Carter T. Keeney, Esquire  
VSB No.: 82275

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<sup>1</sup> This matter was previously filed in the U.S. District Court for the Eastern District of Virginia, Richmond Division. It was dismissed without prejudice and the defense agreed that it would not raise the statute of limitations defense if the Plaintiff refiled in the same Court. Plaintiff refiled in the Alexandria Division. Parties have agreed to transfer this matter to the Richmond Division. If for some reason, the agreed motion to transfer to the Richmond Division is denied, Defendants intend to rely upon the defense of the statute of limitations.

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*Counsel for Defendants*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 11<sup>th</sup> day of October, 2023, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

\_\_\_\_\_/s/  
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